

Office of Chief Electoral Officer, J&K

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"Greater Participation for a Stronger Democracy"

District Panchayat Election Officers,
(Deputy Commissioners)
All Districts

Sr. Superintendent of Police,
All Districts

No: 905/BDC/2019/10288-292

Dated: 04-10-2019

Sub: Elections of Chairpersons of Block Development Council- Instruction on Campaigning period- regarding.

Sir,

In order to ensure free and fair elections of the Chairperson of the Block Development Councils in the State, the Election Authority, (Chief Electoral Officer) J&K has decided that:

1. PROCESSION AND MEETINGS

- a. *The candidate or his/her party should obtain well in time the required permission from the District Magistrate or Authorized Officer in this regard for the holding of a meeting at any public or private place. The District Magistrate or Authorized Officer may ensure that all public maidans, meeting halls, etc. should be made available to all candidates equally and no undue favour or preference should be shown in this regard to the candidates of any particular political party. Temples, mosques, churches or other places of worship should not be used as forum for such meeting or for any election propaganda. Similarly, permission should also be obtained for conducting processions. The application should be made in time to enable the local police authorities to make necessary traffic and security arrangements. Pictorial representations should be sober and moderate and of real educative value to electors. A high standard of decency and decorum should be maintained while making speeches or raising slogans. No Loudspeakers should be used for any such meetings or processions or for general propaganda without prior written permission of the District Magistrate or Authorized Officer and beyond the hours fixed by the Election Authority in this behalf.*
- b. *A public address system or loudspeaker or any sound amplifier, whether fitted on vehicles of any kind whatsoever, or in static position, used for public campaigning for electioneering purposes, shall not be used at night between 09.00 p.m. and 7.00 a.m.*
- c. *No Loudspeaker fitted on vehicles of any kind or in any other manner whatsoever should be used during the period of 48 hours ending with the hour fixed for the conclusion of the poll.*
- d. *There is no restriction of number of vehicles which the candidate may use for election campaign. However, no vehicle can be used without obtaining valid permission. The candidate should submit the details of all such vehicles that he/she may be using in the*

election campaign before the District Magistrate or such other officer(s) as may be specifically authorized by the District Magistrate in this behalf before the campaigning commences and should obtain permits in respect of such vehicles. Any further deployment of additional vehicles by the candidate can take place only after he/she or his/her election agent have submitted details of such additional vehicles and obtain permits such additional vehicles well before the actual deployment. While submitting the details of the vehicles that are being deployed for election campaign the details of the areas in which such vehicles would operate, should also be furnished. Expenditure incurred on all such vehicles which are used for election campaign shall be booked against the election expenditure of the candidate.

- e. Any vehicle which has not been registered for campaigning with the district administration if found being used for campaigning, shall be deemed to be unauthorized campaigning for the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately taken out of the campaigning exercise.*
- f. External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.*
- g. The candidate should ensure that vehicles for the campaign purpose ply only with the prior approval of the District Magistrate/Authorized Officer/Returning Officer and must display the permit issued in original (not photocopy) prominently on the windscreen. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.*
- h. The candidate should intimate to District Administration 3 days prior to landing of Helicopter and persons travelling therein and obtain prior permission for the landing of such Helicopter.*

2. DEFACEMENT OF PUBLIC AND PRIVATE PROPERTY

The candidate must ensure that he/she or his/her agents, etc. do not violate the provisions of this law and/or the general law relating to deface private or public property.

i. DEFACEMENT OF PUBLIC PLACES:

- 1. No wall writing, pasting of posters/papers or defacement in any other form, or erecting/displaying of cut-outs, hoardings, banners flags etc. shall be permitted on any Government premise (including civil structures therein). For this purpose a Government premise would include any Govt. office and the campus wherein the office building is situated.*
- 2. If there is a specifically earmarked place provided for displaying advertisements in a public place, e.g. bill boards, hoardings etc. and if such space is already let out to any agency for further allocation to individual clients, the District Magistrate should ensure that all political parties and candidates get equitable opportunity to have access to such advertisement space for election related advertisements during the election period.*

II. DEFACEMENT OF PRIVATE PLACES

- a. *Temporary and easily removable advertisement materials, such as flags and banners may be put up in private premises with the voluntary permission of the occupant. The permission should be an act of free will and not extracted by any pressure or threat. Such banner or flag should not create any nuisance to others.*
- b. *Nothing inflammatory or likely to incite disaffection amongst communities shall be permissible in such writings/display. The expenditure incurred in this mode on specific campaign of candidate(s) shall be added to the election expenditure made by the candidate. Expenditure incurred on exclusive campaign for a party without indicating any candidate shall not be added to candidate's expenditure. The contesting candidate shall furnish such information village/locality/town-wise, to the Returning Officer.*
- c. *Subject to any restrictions under any local law or any court orders in force, the political parties, candidates, their agents, workers and supporters may put up banners, buntings, flags, cut-outs, on their own property, provided they do so on their own volition, voluntarily and without any pressure from any party, organization or person, and provided further that these do not cause any inconvenience in any manner to anyone else.*

III. DEFACEMENT OF HALLS/AUDITORIUMS AND OTHER PUBLIC PROPERTIES

1. *In the case of Halls/Auditoriums/Meeting venues owned/controlled by the Government/ local authorities/PSUs/Cooperatives, if the law/guidelines governing their use do not preclude political meetings therein, there is no objection to it. It shall be ensured that the allocation is done on equitable basis and that there is no monopolization by any political party or candidates. In such venues, displaying of banners, buntings, flags, cut-outs, may be permitted during the period of meetings subject to any restrictions under the law/guidelines in force. Such banners, flags, etc. shall be got removed by the party/individual who used the premises immediately after conclusion of the meeting, and in any case within a reasonable period after the meeting is over. Permanent/semi-permanent defacement such as wall writing/pasting of posters etc. shall not be permitted in such premises.*
2. *If any political party/association/candidate/person indulges in defacement of any property in violation of the local law, if any, or the above instructions, the Returning Officer/ District Magistrate/Authorized Officer shall issue notice to the offender for removing the defacement forthwith. If the political party/association /candidate /person does not respond promptly, the district authorities may take action to remove the defacement, and the expenses incurred in the process shall be recovered from the political party/association/candidate/person responsible for the defacement. Further, the amount also shall be added to the election expenditure of the candidate concerned, and action should also be initiated to prosecute the offender under the provisions of the relevant law (under the law relating to prevention of defacement, if any, or under the provisions of the general law for causing wilful damage to the property of others)*

IV. DEFACEMENT OF VEHICLES

1. *In private vehicles, subject to the provisions of the Motor Vehicles Act, Rules thereunder and subject to court orders in force, if any, flags and stickers may be put on the vehicles by the owner of the vehicle on his own volition, in such a manner that they do not cause any inconvenience or distraction to other road users.*
2. *On commercial vehicles, display of any flag, sticker etc. shall not be permitted, unless such vehicle is a vehicle validly used for election campaign after obtaining the requisite permit from the District Panchayat Election Officer/Returning Officer and the display thereof in original on the wind screen.*
3. *External modification of vehicles including fitting of Loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules and any other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc., can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.*

3. OTHER CAMPAIGN RELATED ITEMS

Subject to accounting for the expenditure, the following may be permitted:

1. *During campaigning, flags, banners, cut-outs etc. can be carried subject to local laws and prohibitory orders in force;*
2. *During campaigning, wearing of party/candidate supplied special accessories like cap, mask, scarf etc. may be permitted. However, supply of main apparels like saree, shirt, etc. by party/candidate is not permitted.*
3. *Educational institutions including their grounds {whether Govt. aided, private or Govt.} shall not be used for political campaigns.*

4. OPERATION OF TEMPORARY CAMPAIGN OFFICE

For the purpose of local campaign, the candidate will be allowed to set up and operate temporary campaign office subject to the following conditions:

1. *No such office will be opened by way of any encroachment either of public or private property.*
2. *No such offices will be opened in any religious places or campus of such religious places.*
3. *No such offices will be opened contiguous to any educational institution / hospital.*
4. *No Such offices will be opened within 200 meters of an existing polling station.*
5. *Such offices can display only one party-flag and banner with party symbols/photographs.*
6. *The size of the banner used in such offices should not exceed '4 feet X 8 feet'.*

5. PROHIBITION DURING 48 HOURS IMMEDIATELY BEFORE THE CLOSE OF THE POLL

1. *No person shall –*
 - a. *Convene, hold, attend, join or address any public meeting or procession in connection with an election; or*
 - b. *Display to the public any election matter by means of cinematograph, television or other similar apparatus; or*
 - c. *propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll.*

6. SETTING OF PERMISSION CELL

1. *All District Panchayat Election Officers (District Magistrate) shall set up and operationalize suitable number of Permission Cells at District/Sub-Division/Block level. Each permission cell shall be headed by an Officer who shall be the Authorized Officer to grant permissions after obtaining specific clearances from the Nodal Officers of other concerned departments. Each permission cell shall be equipped with necessary infrastructure and dedicated staff.*
2. *District Superintendent of Police, shall designate officers of suitable rank at each of the permission cell.*
3. *The political party/candidate seeking permission has to apply to the Permission Cell In-charge concerned at least 48 hours before and not more than 7 days prior to the event applied for. Separate application has to be filed for more than one event for a particular day"*

All the District Panchayat Election Officers are requested to circulate these instructions amongst the stake holders and ensure strict compliance.

Yours faithfully



(Anil Salgotra)

Dy. Chief Electoral Officer
Jammu & Kashmir

Copy to :-

1. Divisional Commissioner, Jammu/Kashmir/Ladakh for information.
2. Inspector General of Police, Jammu/ Kashmir for information.